

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 19 of 1986

with

CIVIL APPLICATION No 224 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements ? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

JETHA GIGA

Versus

GIGA BHURA

Appearance:

1. Appeal from Order No. 19 of 1986
SERVED for Petitioners
MR AP MEDH for Respondent No. 1
SERVED for Respondent No. 2
MR PM RAVAL for Respondent No. 3
2. Civil ApplicationNo 224 of 1986
SERVED for Petitioners
MR AP MEDH for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/08/97

ORAL JUDGEMENT

This appeal is directed against the order dated December 12, 1985 passed by the learned Civil Judge (S.D.), Porbandar below Application Ex.85 in Special Civil Suit No. 40 of 1984, rejecting the interim injunction application.

While admitting the appeal and after hearing the learned counsel for the respondents, this Court passed an ad-interim order directing the respondents to maintain status quo as regards possession and also regarding transfer of the suit property. The respondents were directed not to transfer or alienate suit property or any interest in the property in dispute in any manner whatsoever till further orders. Since the aforesaid ad-interim order passed by this Court on January 24, 1986 is in force till now, in the facts and circumstances of the case and in view of the fact that the suit is pending since 1984, it would be just and proper to direct the trial court to hear and decide the suit as expeditiously as possible and latest by January 31, 1998. In this view of the matter, it would also be just and proper to continue the ad-interim order passed by this Court on January 21, 1986 as interim relief which shall operate till the final decision of the suit. The Appeal from Order is accordingly allowed with the aforesaid directions. No order as to costs.

In view of the decision on the Appeal from Order, the Civil Application would not survive and is disposed of with the direction that the ad-interim order passed by this Court on January 24, 1986 shall continue till final disposal of the suit. There shall be no order as to costs.